

Request for Proposal: Environmental Management Systems Pilot Program Consultant

A. Background

In the spring of 2008, the Iowa Legislature passed HF2570, legislation that creates financial assistance from the existing Solid Waste Alternatives Program (SWAP) fund to develop and implement Environmental Management Systems (EMS) in solid waste planning areas across Iowa. To begin this process, up to six pilot areas will be selected to carry out a continuous improvement process in which goals are dynamic and set by the planning areas to best protect the environment according to their needs and accomplishments.

The EMS pilot project is being overseen by the Solid Waste Alternatives Program Advisory Council (Council) made up of nine members, appointed by the Director of the Department of Natural Resources (Department). The Department is responsible for making recommendations for EMS designation and funding allocations.

Comment [I1]: I added this to better describe who the players are. Didn't repeat whole background as that was on RFQ.

In March 2009, the Council put out a Request for Qualifications (RFQ) for a consultant to help guide the pilot process and participants through. Those applicants who have been pre-qualified through this process are eligible to take part in this Request for Proposals (RFP).

B. Purpose

The purpose of this RFP is to solicit proposals from pre-qualified service providers to assist the Solid Waste Alternative Program Advisory Council in the implementation of the new Environmental Management System program for solid waste management agencies. The selected provider will also agree to work directly and individually with each of the six pilot projects planning areas to achieve the stated purpose of the project. A detailed description and listing of expected outcomes is outlined further in the Scope of Work below.

The Department intends to award up to a 12-month contract beginning on [add date] and ending upon completion of no later than [add date]. Any contract resulting from this RFP shall not be deemed an exclusive contract.

Comment [I2]: Did we discuss making it 12-18 months?

C. Eligibility

Any public or private group, individual or business pre-qualified through the RFQ process is eligible.

The firm(s) or individual(s) selected to provide these services for the Department shall be free from Conflicts of Interest. Applicants must examine their interests and the individual interests of their agents, and determine if they are, potentially may be, or have the appearance of being, in conflict with the interests of the Department's solid waste management planning programs. To avoid Conflicts of Interest with the regulated community, any public or private group, individual, or business that is currently providing solid waste planning services in Iowa will not be considered. It is the explicit responsibility of each applicant to identify any real or perceived conflicts that might arise if selected, and relate these conflicts in detail as part of their submittal.

Comment [I3]: Do we want to use Committee in the legal stuff?

Requests for qualifications, contracts, grants, purchases and all other financial arrangements are administered by the Department equally to all without regard to race, color, political affiliation, creed, sex, national origin, disability, age, or place of residence.

The Department seeks to provide opportunities for Targeted Small Businesses in the awarding of contracts. The Department is authorized to award contracts to Targeted Small Businesses under the provisions of the Iowa Targeted Small Business Procurement Act of 1986 and the Iowa Administrative Code.

D. Issuing Officer

| | |
|--------------------------------------|--|
| Brian Tormey, Bureau Chief | Phone: (515) 281-8927 |
| Land Quality Bureau | Fax: (515) 281-8895 |
| Iowa Department of Natural Resources | E-mail: Brian.Tormey@dnr.iowa.gov |
| Wallace State Office Building | |
| 502 East 9 th Street | |
| Des Moines, Iowa 50319 | |

E. Stipulations

The Committee will select the vendor/contractor. The Department will negotiate the contract, review the quantity and quality of work performed, and issue payments upon completion of the work specified in the contract. By accepting Department funds, the applicant agrees to meet milestones and goals set by the Department's contract manager and attend a contract consultation meeting. Upon contract completion, the contractor must submit a final report providing a detailed accounting of all expenditures made during the term of the contract.

F. Scope of Work

The selected qualified individual(s), organization(s) or firm(s) shall be responsible for coordinating, developing and executing the following project requirements through this RFQ:

1. Act as an advisor to the nine-member Solid Waste Alternatives Program Advisory Council.
2. Provide assistance to EMS pilot project participants as they evaluate their programs and identify activities to address the 10 "Elements of Environmental Management Systems" listed below.
3. Participate in developing long-term processes for future EMS participants' use, using the ten "Elements of Environmental Management Systems" listed in Appendix A.
4. Participate in developing a framework for use by all planning areas wanting to move toward a process of continuous improvement and resource management by becoming an EMS after the initial pilot project is complete.
5. Participating in developing an evaluation tool to be used by the Council as part of its annual process to review progress and determine EMS status.
6. Review legislation and make revision recommendations.

7. Provide written summary and recommendations on the next course of action at the end of the project period.

G. Vendor Selection Timeline
The following dates are set forth for informational and planning purposes; however, the Department reserves the right to change the dates.

Comment [14]: Do we have to post the targeted businesses website for a certain amount of time?

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|--|------------|
| 1. Issue RFP | XX/XX/2009 |
| 2. Requests for Clarifications Due | XX/XX/2009 |
| 3. Responses to Clarifications | XX/XX/2009 |
| 4. Closing Date for Receipt of Bid Proposals | XX/XX/2009 |
| 5. Announce Successful Vendor | XX/XX/2009 |
| 6. Completion of Contract Negotiations | XX/XX/2009 |
| 7. Execution of the Contract | XX/XX/2009 |
| 8. Begin Contract | XX/XX/2009 |

Here is the timing for the solid waste rules/permitting workshop provider RFQ as an example.

| | |
|---|-------------------|
| 1. Issue RFP | October 15, 2003 |
| 2. Letters of Intent Due | October 31, 2003 |
| 3. Requests for Clarifications Due | October 31, 2003 |
| 3. Responses to Clarifications Due | November 7, 2003 |
| 4. Closing Date for Receipt of Bid Proposals and Amendment to Bid Process | November 18, 2003 |
| 5. Announce Successful Vendor | December 15, 2003 |
| 6. Completion of Contract Negotiations d Execution of the Contract | December 31, 2003 |
| 7. Begin Contract | January 1, 2004 |

H. Letters of Intent to Propose
A letter of intent to propose must be mailed, sent via delivery service or hand delivered by the vendor or the vendor’s representative to the Issuing Officer and received by 4:00 PM, central time [add date]. The letter of intent to bid must include the vendor’s name, mailing address, electronic mail address, fax number, telephone number, a statement of intent to bid for the Solid Waste Permitting contract, and an authorizing signature. Electronic mail and faxed letters of intent to bid will not be accepted.

Submitting a letter of intent to bid is a mandatory condition to submit a qualifications proposal and to ensure receipt of written responses to vendors’ questions and amendments to the RFP. Failure to submit a letter of intent by the deadline specified will result in the rejection of the vendor’s bid proposal.

I. Deadlines
The Department must receive proposals at the Department office before 4:00 P.M., central time, [add date]. **This is a mandatory requirement and will not be waived by the Department. Any qualifications received after this deadline will be rejected and returned unopened to the vendor.** Vendors mailing qualifications must allow ample mail delivery time to ensure timely receipt of their bid proposals. It is the vendor’s responsibility to ensure that the qualifications are received prior to the deadline. Postmarking by the due date will not substitute for actual receipt of the qualifications. Electronic mail and faxed qualifications will not be accepted.

If determined necessary, the Department will notify top candidates for interviews by [add date]. The presentation may occur at the Department's offices or at the offices of the vendor. The determination as to need for presentations, the location, order, and schedule of the presentations is at the sole discretion of the Department. The presentation may include slides, graphics and other media selected by the vendor and/or the Department to illustrate the vendor's qualifications. The presentation shall not materially change the information contained in their qualification proposal.

The Department anticipates contractor selection and notification to all applicants by [add date].

J. Selection Criteria

The Committee will select the applicant based upon the following criteria. Contract award will be undertaken with the firm(s) and/or individual(s) whose qualifications and subsequent price proposal (if deemed necessary) shows them to be competent, responsible, and capable of performing the work. The contract will be entered into for up to X months.

Comment [I5]: How are we going to handle this?

Comment [I6]: Again – 12/18?

| Factor | Points |
|--|------------|
| Documented relevant experience/expertise of the primary individual(s) involved in this project | 35 |
| Ability to perform the project after selection and the ability to act efficiently and autonomously | 30 |
| Itemized budget, including: | 20 |
| a. Personnel | |
| b. Travel | |
| c. Equipment | |
| d. Supplies | |
| e. Other | |
| Content of proposal relative to Scope of Work | 15 |
| TOTAL (maximum possible points) | 100 |

Comment [I7]: Not sure what we want to rate proposals, do we want to include cost?

K. Format for Submission

One (1) original and one (1) electronic (PDF) copy of the proposal shall be timely submitted to the Issuing Officer in the format specified in **Appendix A**. The format is purposely general. Proposal should address, at a minimum, each item in the Desired Qualifications, the factors in Section H, and any real or perceived conflicts of interest. The costs of preparation and delivery of the qualifications are solely the responsibility of the vendor.

L. Rejection of Proposals & Variances

The Council reserves the right to reject any or all of the proposals submitted, in whole and in part, received in response to this RFP at any time prior to the execution of a written contract. Issuance of this RFQ in no way constitutes a commitment by the Department to award a contract, and under no circumstance shall the lowest bidder be guaranteed a contract award through this review process.

The Council reserves the right to waive or permit cure of nonmaterial variances in the bid proposal if, in the judgment of the Council, it is in the Council's best interest to do so. Nonmaterial variances include minor informalities that do not affect responsiveness; that are merely a matter of form or format; that do not change the meaning or scope of the RFQ; or that do not reflect a material change in the services. In the event the Council waives or permits cure of nonmaterial variances, such waiver or cure will not modify the RFQ requirements or excuse the vendor from full compliance with the RFQ specifications or other contract requirements if the vendor is awarded the contract. The determination of materiality is in the sole discretion of the Council.

M. Bid Proposal Opening

The bid proposals will remain confidential until the Committee has reviewed all of the proposals submitted in response to this RFP and the Department has announced a notice of intent to award a contract (Iowa Code Section 72.3).

All proposals become the property of the Committee and will not be returned to the vendor, unless received after the submittal deadline, in which they would be rejected and returned to the vendor. At the conclusion of the selection process, the contents of all bid proposals will be in the public domain and be open to inspection by interested parties subject to exceptions provided in Iowa Code chapter 22 or other applicable law.

N. Public Records and Request for Confidential Treatment

The Department may treat all information submitted by a vendor as public information following the conclusion of the selection process unless the vendor properly requests that information be treated as confidential at the time of submitting the bid proposal. The Department's release of information is governed by Iowa Code chapter 22. Vendors are encouraged to familiarize themselves with chapter 22 before submitting a proposal. The Department will copy public records as required to comply with the public records laws.

Any request for confidential treatment of information must be included in the transmittal letter with the vendor's bid proposal. In addition, the vendor must enumerate the specific grounds in Iowa Code chapter 22 or other applicable law which support treatment of the material as confidential and explain why disclosure is not in the best interest of the public. The request for confidential treatment of information must also include the name, address, and telephone number of the person authorized by the vendor to respond to any inquiries by the Department concerning the confidential status of the materials.

Any bid proposal submitted which contains confidential information must be conspicuously marked on the outside as containing confidential information, and each page upon which confidential information appears must be conspicuously marked as containing confidential information. Identification of the entire bid proposal as confidential may be deemed non-responsive and disqualify the vendor.

If the vendor designates any portion of the RFP as confidential, the vendor must submit one (1) copy of the bid proposal from which the confidential information has been excised. This excised copy is in addition to the number of copies requested in section 4 of this RFP. The confidential material must be excised in such a way

as to allow the public to determine the general nature of the material removed and to retain as much of the bid proposal as possible.

The Department will treat the information marked confidential as confidential information to the extent such information is determined confidential under Iowa Code Chapter 22 or other applicable law by a court of competent jurisdiction.

In the event the Department receives a request for information marked confidential, written notice shall be given to the vendor seven (7) calendar days prior to the release of the information to allow the vendor to seek injunctive relief pursuant to Section 22.8 of the Iowa Code. The vendor's failure to request confidential treatment of material will be deemed by the Department as a waiver of any right to confidentiality, which the vendor may have had.

O. Restrictions on Communication

From the issue date of this RFP until announcement of the successful vendor, vendors may contact only the Issuing Officer. Verbal questions related to the interpretation of this RFP will not be accepted. Vendors may be disqualified if they contact any state employee other than the Issuing Officer.

Vendors are invited to submit written questions and requests for clarifications regarding the RFP. Vendors may also submit suggestions for changes to the requirements of this RFP. The questions, requests for clarifications or suggestions must be in writing and received by the Issuing Officer before 4:00 P.M., central time, [add date]. If the questions, requests for clarifications, or suggestions pertain to a specific section of the RFP, the page and section number(s) must be referenced.

Written responses to questions, requests for clarifications, or suggestions will be sent on or before [add date] to vendors who submitted a letter of intent to bid. The Department's written responses will be considered part of the RFP. If the Department decides to adopt a suggestion, the Department will issue an amendment to the RFP. If the Department decides to adopt a suggestion, the Department will issue an amendment to the RFP and will post it online (<http://www.iowadnr.gov/waste/sw/swapac.html>).

P. Amendment to the RFP and Bid Proposal and Withdrawal of Bid Proposal

The Department reserves the right to amend the RFP at any time. The vendor shall acknowledge receipt of an amendment in its proposal. If the amendment occurs after the closing date for receipt of bid proposals, the Department may, in its sole discretion, allow vendors to amend their bid proposals in response to the Department's amendment if necessary.

The vendor may amend its bid proposal. The amendment must be in writing, signed by the vendor and received by time set for the receipt of proposals. Electronic mail and faxed amendments will not be accepted.

Vendors who submit proposals in advance of the deadline may withdraw, modify, and resubmit proposals at any time prior to the deadline for submitting proposals. Vendors must notify the Issuing Officer in writing if they wish to withdraw their proposals.

Q. Choice of Law and Forum

This RFP and the resulting decisions or documents are to be governed by the laws of the state of Iowa. Changes in applicable laws and rules may affect the process. Vendors are responsible for ascertaining pertinent legal requirements and restrictions. Any and all litigation or actions commenced in connection with this RFP shall be brought in the appropriate Iowa forum.

DRAFT

APPENDIX A.

REQUEST FOR PROPOSALS

Comment [18]: I used RFQ and tried to adapt for RFP to keep similar format.

Format for Submission

One (1) original and one (1) electronic (PDF) copy of the proposal shall be submitted by DATE, 2009. Proposals shall be double-sided and submitted on recycled-content paper with a minimum of 30% post-consumer recycled content and bound in the upper left-hand corner. Each proposal shall include:

1. Transmittal Letter – An individual authorized to legally bind the vendor shall sign the transmittal letter. The letter shall include the vendor's mailing address, electronic mail address, fax number, and telephone number.

Any request for confidential treatment of information shall be included in the transmittal letter in addition to the specific statutory basis supporting the request and an explanation why disclosure of the information is not in the best interest of the public.

2. Title of the proposal, submission date, organization name, address, telephone number of both the applicant and the primary contact person.
3. Information that demonstrates requisite experience and skills of those personnel anticipated to facilitate the project, and resources necessary to complete the activities required in this RFQ. No substitution of key personnel will be allowed.
4. Project team shall provide their understanding of the Department's needs and their proposed work plan/approach to this project. This shall include a thorough explanation of how your firm will complete all of the activities listed in the project. Merely repeating the requirements will be considered non-responsive and may disqualify the vendor. Subcontracting/co-sponsors must be described separately.
5. Firms should demonstrate overall management and project experience as reflected by the completion of similar projects. Provide reference documentation from up to four (4) past or present clients detailing contact information and their evaluation of your firm's performance or the performance of any sub-contractors.
6. A list by title of each addendum enclosed.

Comment [19]: Not sure what we want for these.

APPENDIX B

ELEMENTS OF ENVIRONMENTAL MANAGEMENT SYSTEMS

There are 3 main overarching elements.

1. **Environmental Policy Statement:** Statement by the organization of its intentions and principles in relation to its overall environmental performance which provides a framework for action and for the setting of its environmental objectives and targets, and its commitment to continual improvement through the EMS.
2. **Environmental Impacts:** The organization identifies and evaluates the actual or potential impacts to the environment, whether adverse or beneficial, from its activities, services and facilities. During the evaluation process, significant impacts to the environment are determined.
3. **Legal and other requirements:** The organization must identify the legal requirements for its operations and facilities, including relevant environmental laws, regulations and permits, and worker health and safety regulations, and have a process for tracking any changes in these requirements.

The following 7 elements would be applied to each of the 6 plan components (Yard Waste Management, Hazardous Household Waste Collection, Water Quality Improvement, Greenhouse Gas Reduction, Recycling Services, Environmental Education):

1. **Objectives and Targets:** The organization establishes objectives relevant to its policy, environmental issues and impacts previously identified the views of interested parties, and other factors. Targets necessary for achieving the stated objectives are also established. A target is much more detailed than its objective and must be quantifiable.
2. **Action Plan:** Actions necessary to achieve the objectives and targets. The plan includes identifying the individuals and/or organizations responsible for carrying out specific tasks, timelines for completion of each step in the plan, and a schedule for periodically reviewing and updating, as conditions dictate, the objectives and targets.
3. **Identify key resources and additional needs:** As part of reviewing the draft of the action plan, conduct an inventory of key resources needed to carry out and complete the action plan. Resources may include fiscal matters, specific skills, facilities, partners and additional needs. Upon completion of the inventory the action plan may need to be adjusted accordingly.
4. **Communication/Training/Awareness:** Establish processes for internal and external communication. External communication will include reaching out to those groups and organizations that have been identified as having an interest, stake or role in the organization's ongoing EMS program. There must also be procedures for receiving and responding to relevant communication from external interested parties. Internal communication is directed to individuals, organizations and entities that have a role or responsibility within the action plan. Internal

communication includes a process to ensure that all responsible parties are familiar with the EMS and have the training necessary to capably execute their roles.

5. Monitoring and Measurement: A documented process for monitoring key activities and measuring performance related to the specific environmental objective and target.
6. Assessment: The organization must have documented procedures for assessing the function of each component and its effectiveness of and conformance with the EMS plan. Assessment is the process of drawing conclusions from the performance measurements.
7. Reevaluation and modification: The reevaluation and modification element is an activity that allows an organization to improve and strengthen the EMS on an ongoing basis. This element considers areas where the EMS has met, exceeded or failed to meet expectations. Identify root causes of those outcomes, and develop additional goals and activities appropriate to each. It's an opportunity to realize the organization's commitment to continuous improvement and should not be looked upon negatively.

For more information please visit our website at: <http://www.iowadnr.gov/waste/sw/swapac.html>